


<p><b>Application for Annual Permit</b></p> <p><b>INDIVIDUAL FISHING QUOTA (IFQ)</b>  <b>INDIVIDUAL PROCESSING QUOTA (IPQ)</b></p>	<p><b>U.S. Department of Commerce</b>  <b>NOAA Fisheries Service, Alaska Region</b>  <b>Restricted Access Management (RAM)</b>  <b>Post Office Box 21668</b>  <b>Juneau, Alaska 99802-1668</b></p>	
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**Annual Application Deadline – August 1**

**Applications received after that date may not be processed and IFQ/IPQ may not be issued to the applicant.**

**NOTE:** This application will not be considered to be complete until NMFS has verified that:

1. the applicant has submitted all required Economic Data Reports; and,
2. the applicant has paid all outstanding fee obligations.

***BLOCK A –APPLICANT INFORMATION***

1. Name of Applicant:	2. Applicant’s NMFS Person ID:	
	3. Date of Birth or Incorporation:	
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone Number:	7. Business Fax Number:	8. Business E-mail Address:

**BLOCK B – TYPE OF ANNUAL QUOTA FOR WHICH APPLICATION IS MADE**

Individual Processing Quota (IPQ):  [Complete Blocks A, B, D, & F]

All QS Fisheries for which applicant holds PQS

only those fisheries circled below:

BBR EBT WBT BSS EAG PIK SMB WAG WAI

Individual Fishing Quota (IFQ):  [Complete Blocks A, B, (C), D, E, & F]

All QS Fisheries for which applicant holds QS

only those fisheries circled below:

BBR EBT WBT BSS EAG PIK SMB WAG WAI

Does the (IFQ) Applicant intend to join a Cooperative?  Yes;  No [If “Yes,” complete Block C, Below]

**BLOCK C – COOPERATIVE IFQ ASSIGNMENT**

*Complete if some or all of the Applicant’s Annual Individual Fishing Quota is to be assigned to a crab harvesting cooperative*

On the table below, enter the name of the crab harvesting cooperative(s) the Applicant has joined for each crab fishery. If Applicant has joined the same crab harvesting cooperative for all crab QS Fisheries for which the Applicant holds quota share, Applicant should list the cooperative name in the row named “All QS Fisheries.”

A copy of this application must be submitted with the cooperative’s application(s) for its annual crab harvesting cooperative IFQ permit.

Fishery	Name of Cooperative to which crab fishery IFQ is to be assigned
All QS Fisheries	
BBR	
BSS	
EAG	
EBT	
WBT	
PIK	
SMB	
WAG	
WAI	

**BLOCK D – IDENTIFICATION OF OWNERSHIP INTEREST**

*To be completed by Applicants who are not individuals (i.e., corporations, partnerships, etc.)*

If the Applicant identified in Block A is not an individual (i.e. is a corporation, partnership or some other entity) the name(s) of all owners of the Applicant must be provided, together with the percent of ownership. In the space below, enter all of the names of all of the owners of the Applicant, and indicate the percent of ownership. If a listed owner is not an individual, provide the same information for each such owner until all owners, and their percent of ownership, is revealed to the individual level.

Name of Owner	% Interest	Name of Owner	% Interest

Duplicate this form as necessary to display all of the Applicant’s owners (and owners of owners)

**BLOCK E – DECLARATION OF AFFILIATION**

*To be completed by Applicants for IFQ*

In the space below, indicate whether the Applicant is “affiliated” with an entity that holds Processing Quota Share (PQS) and/or Individual Processing Quota (IPQ). Information regarding affiliation is required to determine the correct allocation of “A” and “B” category IFQ to the Applicant. Note that this Declaration of Affiliation is valid for the entire Crab Fishing Year for which the Applicant is seeking IFQ.

Having read and understood the Regulatory definition of “Affiliation” as set out below, the Applicant declares as follows:

- The Applicant **is affiliated** with one or more entity(ies) that holds PQS or IPQ
- The Applicant is **not affiliated** with any entity that holds PQS or IPQ

If affiliated, the Applicant must identify (by name, business address, and telephone number) all holders of PQS or IPQ with which it is affiliated. Submit the information on a separate sheet of paper.

“Affiliation” is defined in the Crab Rationalization regulations as follows (50 CFR § 680.2 – Definitions):

Affiliation means a relationship between two or more entities in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both. For purposes of this definition, the following terms are further defined:

- (1) Entity. An entity may be an individual, corporation, association, partnership, joint-stock company, trust, or any other type of legal entity, any receiver, trustee in bankruptcy or similar official or liquidating agent, or any organized group of persons whether incorporated or not, that holds direct or interest in:
  - (i) Quota share (QS), processor quota share (PQS), individual fishing quota (IFQ), or individual processing quota (IPQ);
or,
  - (ii) For purposes of economic data report (EDR), a vessel or processing plan operating in CR fisheries.
- (2) Indirect interest. An indirect interest is one that passes through one or more intermediate entities. An entity’s percentage of indirect interest in a second entity is equal to the entity’s percentage of direct interest in an intermediate entity multiplied by the intermediate entity’s direct or indirect interest in the second entity.
- (3) Controls a 10 percent or greater interest. An entity controls a 10 percent or greater interest in a second entity if the first entity:
  - (i) Controls a 10 percent ownership share of the second entity, or
  - (ii) Controls 10 percent or more of the voting stock in the second entity.
- (4) Otherwise controls.
  - (i) A PQS or IPQ holder otherwise controls a QS or IFQ holder if it has:
    - (A) The right to direct, or does direct, the business of the entity which holds the QS or IFQ;

- (B) The right in the ordinary course of business to limit the actions of or replace, or does limit or replace, the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity which holds the QS or IFQ;
- (C) The right to direct, or does direct, the transfer of QS or IFQ;
- (D) The right to restrict, or does restrict, the day-to-day business activities and management policies of the entity holding the QS or IFQ through loan covenants; (E) The right to derive, or does derive, either directly, or through a minority shareholder or partner, and in favor of a PQS or IPQ holder, a significantly disproportionate amount of the economic benefit from the holding of QS or IFQ;
- (F) The right to control, or does control, the management of or to be a controlling factor in the entity holding QS or IFQ;
- (G) The right to cause, or does cause, the sale of QS or IFQ;
- (H) Absorbs all of the costs and normal business risks associated with ownership and operation of the entity holding QS or IFQ; and
- (I) Has the ability through any other means whatsoever to control the entity that holds QS or IFQ.
- (ii) Other factors that may be indicia of control include, but are not limited to, the following:
  - (A) If a PQS or IPQ holder or employee takes the leading role in establishing an entity that will hold QS or IFQ;
  - (B) If a PQS or IPQ holder has the right to preclude the holder of QS or IFQ from engaging in other business activities;
  - (C) If a PQS or IPQ holder and QS or IFQ holder use the same law firm, accounting firm, etc.;
  - (D) If a PQS or IPQ holder and QS or IFQ holder share the same office space, phones, administrative support, etc.;
  - (E) If a PQS or IPQ holder absorbs considerable costs and normal business risks associated with ownership and operation of the QS or IFQ holdings;
  - (F) If a PQS or IPQ holder provides the start up capital for the QS or IFQ holder on less than an arm's-length basis;
  - (G) If a PQS or IPQ holder has the general right to inspect the books and records of the QS or IFQ holder;
  - (H) If the PQS or IPQ holder and QS or IFQ holder use the same insurance agent, law firm, accounting firm, or broker of any PQS or IPQ holder with whom the QS or IFQ holder has entered into a mortgage, long-term or exclusive sales or marketing agreement, unsecured loan agreement, or management agreement.

<b><i>BLOCK F – APPLICANT SIGNATURE</i></b>	
<i>Under penalty of perjury, I certify by my signature below that I have examined the information and the claims provided on this application and, to the best of my knowledge and belief, the information presented here is true, correct, and complete.</i>	
1. Signature of Applicant:	2. Date:
3. Printed Name of Applicant: ( <b>Note:</b> If this is completed by an authorized representative, attach authorization.):	

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden estimate or any other aspect of this collection of information, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA Fisheries Service (NMFS), P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

## **Instructions -- Application for Annual Permit**

### **INDIVIDUAL FISHING QUOTA (IFQ) INDIVIDUAL PROCESSING QUOTA (IPQ)**

IFQ or IPQ permits are issued annually to eligible persons who hold Quota Share (QS) or Processing Quota (PQS), and authorize their holders to harvest or process a specific amount of a crab, under the terms and conditions set out on the permit. IFQ/IPQ permits are valid only during the crab year for which they are issued. Because issuance of the correct amount and type of IFQ/IPQ is entirely dependent on information provided by QS/PQS holders on their annual IFQ/IPQ applications, any such application that is received after August 1 may not be processed and may not yield annual IFQ/IPQ.

**NOTE:** RAM will not consider an application to be complete unless and until it has been determined that:

1. the applicant has submitted all required Economic Data Reports; and,
2. the applicant has paid all outstanding fee obligations (if any).

## **Completing the Application**

### **Block A – Applicant Information**

1. Provide the Applicant's name.
2. Provide the Applicant's NMFS Person ID.
3. Provide the Applicant's permanent mailing address.
4. Provide the Applicant's temporary mailing address (if any); if this information is provided, it will be to this address to which the IFQ/IPQ permit(s) will be mailed.
5. Provide the Applicant's date of birth or date of incorporation.
- 6-8. Provide the business telephone number, fax number, and e-mail address (if available) for the Applicant or the Applicant's designated representative

### **Block B – Type of Annual Quota for which Application is made**

Indicate the type of permit(s) for which application is made: Processing Quota (**IPQ**) or Harvesting Quota (**IFQ**). If applying for annual IPQ or IFQ permits for all fisheries for which applicant holds QS or PQS, check the box "All QS fisheries". If applying for IPQ or IFQ permits only for select fisheries, circle the QS fisheries for which permits should be issued.

Indicate (**YES/NO**) whether the Applicant has joined one or more a Crab Harvesting Cooperative(s). If "YES," complete Block C.

### **Block C – Cooperative IFQ Assignment**

For each crab QS fishery for which the Applicant wishes the IFQ to be assigned to a Crab Harvesting Cooperative, enter the name of the Cooperative in the space provided. If the Applicant has joined the same cooperative for all QS fisheries for which the Applicant holds QS, the Applicant need only write the name of the cooperative on the line for "ALL QS FISHERIES."

**NOTE: If the Applicant has joined a cooperative, a copy of this IFQ application must be submitted by the Cooperative, together with the Cooperative's completed application for its annual Crab Harvesting Cooperative IFQ permit.**

### Block D – Identification of Ownership Interest

If the Applicant is a non-individual (i.e., a corporation, partnership or other entity), provide the names of, and the percentage of ownership held by, all of its owners. Information should be provided to the individual level. See example below:

Name of Owner	% Interest
Joe Potpuller	25%
Alice Potpuller	25%
Quotaholder Family Holdings, Inc.	50%
C. Quotaholder	25% (of 50%)
R. Quotaholder	25% (of 50%)
A. Quotaholder	25% (of 50%)
B. Quotaholder	25% (of 50%)

Duplicate the form, or attach a separate sheet of paper if necessary to display all of the Applicant’s owners (and owners of the Applicant’s owners to the individual level).

### Block E – Declaration of Affiliation

After reviewing the definition of “Affiliation” on the application form, declare whether the Applicant is Affiliated or not. If affiliated, provide (using a separate page) the name, business address, and business telephone number of the PQS/IPQ holder with which the Applicant is affiliated.

Note that the Declaration is considered to be valid for the entire crab fishing year for which the application has been submitted; any change in affiliation status would be reported on the following year’s IFQ/IPQ application.

An annual IFQ Permit will not be issued if this Block is not completed.

### Block F – Applicant Signature

Applicant must print and sign name and enter the date the application was signed. If the application is completed by the Applicant’s authorized agent, attach proof of authorization.

### Submit Application

Submit the completed application, which must be received **no later than August 1**, to:

<u>Mailing Address</u>	<u>Physical location</u>
NOAA Fisheries, Alaska Region (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, Alaska 99802-1668	NOAA Fisheries, Alaska Region (NMFS/RAM) Federal Building 709 W. 9 <sup>th</sup> Street, Suite 713 Juneau, Alaska 99801